

S/N 10/019,214

PATENT

REMARKS

Claims 1-58, 61 and 67-70 are canceled without prejudice or disclaimer. New claim 71 is supported, for example, by Figure 3.

In response to the restriction requirement, Applicants provisionally elect Group IX. Applicants respectfully traverse the restriction requirement on two points. First, with respect to Groups IX-XII, a restriction within a single claim is improper and denies Applicants their right to have their invention examined in the form they consider suitable. In re Weber, 198 USPQ 328 (CCPA 1978). If the restriction between Groups IX-XII were to be converted to an election of species, the election of Group IX from Groups IX-XII would be without traverse. Second, with respect to Groups XIII-XVI, Applicants respectfully request that these claims be examined along with the elected claims. The examination of the claims to vaccines that correspond to the elected claims to mutant strains would not represent an undue burden on the PTO in comparison to the Applicants' burden in filing, prosecuting and maintaining a separate application for the vaccines.

S/N 10/019,214

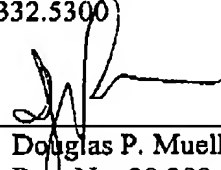
PATENT

An early and favorable action on the merits is requested. Please charge any additional fees or credit any overpayment to Deposit Account No. 13-2725.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903
(612) 332.5300

Dated: January 18, 2005

By: 
Douglas P. Mueller
Reg. No. 30,300
Customer No. 23552

DPM/gmd